

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**

February 9, 2004
7:00 PM

Medina City Hall
501 Evergreen Point Road

ROLL CALL

Present: Council members Miles Adam, Drew Blazey, Katie Phelps, Bob Rudolph and Pete Vall-Spinosa, Deputy Mayor Nunn and Mayor Mary Odermat.

Staff Present: City Manager Doug Schulze, City Attorney Kirk Wines, Interim Police Chief Jeff Chen, Director of Public Works (DPW) Shel Jahn, Planning Director (PD) Joseph Gellings and Recording Secretary Carol Wedlund. Consultant Building Official Bob Rohrbach was also present.

CALL TO ORDER

The meeting of the Medina City Council was called to order at 7:00 p.m.

APPROVAL OF AGENDA

Council member Rudolph moved, seconded by Council member Vall-Spinosa, to approve the meeting agenda, and the motion carried unanimously.

AWARDS AND PRESENTATIONS

Service Recognition Award--Mayor Odermat stated former Mayor Dan Becker was not present for his award.

Appointment of Chief of Police--City Manager Schulze gave background information and appointed Interim Chief Jeff Chen as Medina's new Chief of Police, and as Town Marshall for the Town of Hunts Point.

ANNOUNCEMENTS

Mayor Odermat relayed an ETP monthly business meeting would take place at 7:30 a.m. on Friday, February 13, 2004 at the Overlake Conference Center. It was also noted the State Legislature had convened on January 12, 2004. A community meeting was planned concerning the new Medina Elementary School project for February 11, 2004 from 6:30 to 8:00 p.m. in the Medina Elementary School gym. The first community meeting was held on January 28, 2004, and this was the second of a series of public meetings regarding development of the new school.

City Manager Schulze announced the Legislature's House Finance Committee had passed an amendment related to sales tax streamlining, which was favorable for Medina. They had also passed additional distributions for cities that would be significantly impacted by changes in sourcing of sales tax.

Rezone Application No. 2003-01 (Weymouth Residence)--Mayor Odermat commented the Weymouth application was being postponed and would not be discussed tonight, per request of the applicant. PD Gellings added the applicant had 90 days to move to a Council public hearing.

CONSENT AGENDA

Council member Vall-Spinosa moved, seconded by Council member Blazey, to approve the consent agenda. Council member Adam voiced concern with this issue moving from Study Session discussion to the consent agenda. Mayor Odermat stated it was an item that did not require a public hearing. Deputy Mayor Nunn added it was purely an administrative issue that did not require public comment. City Manager Schulze relayed the Council direction had been to include Ordinance No. 769 in this meeting's consent agenda. Council member Vall-Spinosa inquired about the \$783.42 check to Dolce Skamania Lodge and the \$186.48 check to Campell's on Lake Chelan in the January 31, 2004 check register. City Manager Schulze responded the first one was for Lieutenant Skinner's attendance at the Command College, and the second check was for the Washington Municipal Treasurers Association conference that the Finance Officer would attend. The consent agenda unanimously passed.

E-1 Minutes of January 12, 2004 Council Meeting – approved

E-2 Minutes from January 26, 2004 Council Meeting – approved

E-3 January 2004 Checks and Finance Officer's Report – approved

E-4 Adoption of Ordinance No. 769, Special Use Permit Hearings for Schools - approved

E-5 December 2003 Checks – approved

AUDIENCE PARTICIPATION

Mayor Odermat opened the meeting to audience participation.

Jim Clark, 2415 – 79th Avenue NE, voiced concern about a boarding house across the street from his residence. He was concerned about the safety of children on his street, due to the lack of criminal history checks or credit history verification, and the transient nature of its inhabitants.

As a neighbor living across the street from Jim Clark, **Janet Ashley, 2404 – 79th Avenue NE**, added the situation was a “Motel 6”, with some non-smoking rooms, as some of the tenants smoked on her bulkhead and left the butts in her garden. The owner also had someone with a Winnebago staying there who sometimes slept in the camper and at other times in the house.

As the mother of three small girls, **Amy Burns, 2404 – 79th Avenue NE**, voiced concern about neighborhood safety, as accommodations were offered on the spot with no reference checks.

PD Gellings commented his work regarding this issue was summarized in the City Manager's activity report from last week. Staff was requested to identify a solution to the boarding house issue for discussion at the February Study Session.

REPORTS

Police Department—Chief Chen gave an overview of MPD activity during January:

- a. A resident reported an unlocked vehicle prowl two weeks after it occurred, with \$1,600 worth of merchandise taken. The investigation was still pending.
- b. An inside job fraud/forgery situation occurred on January 9, 2004, whereby someone known to the resident had access to that person's credit cards. MPD was conducting a follow-up investigation.
- c. A resident left his home safe open and \$8,000 worth of jewelry was taken. Some maintenance people had been working in the home, and MPD was following up with that information.
- d. A nanny took approximately \$5,000 of items from a Medina resident.

Chief Chen relayed MPD issued another E-Lert on January 21, 1004 concerning a con man that liked higher end vehicles and was trying to steal car keys. MPD had connected him to a stolen vehicle deposited in Clyde Hill. Further, Seattle Police Department had arrested this person, who was now incarcerated in the King County Jail. Chief Chen indicated at last count, 500 participants were enrolled in the E-Lert system, but some of them were Clyde Hill and Hunts Point residents. Staff was requested to feature E-Lert sign-up in Medina quarterly newsletters to get more residents enrolled.

Development Services Report—PD Gellings referred to the 2003 Building Permit Processing Performance Report in the Council packet, which included time analyses for new construction, remodel/repair, and additions/alterations. One year had passed since the passage of Ordinance No. 748 overhauling the construction mitigation program. That ordinance had changed the program by significantly lowering the size of the project that triggered mitigation such that nearly any new home project was captured. Also, the framework for reviewing mitigation plans had been revised as a result, with more intense projects being reviewed by the PC, and evaluation of less intense projects by staff. The case-by-case review system prescribed by this ordinance allowed staff to look for unique mitigation opportunities and to truly customize each plan to the site conditions. He commented the first project approved a year ago under the new construction mitigation program was now beginning construction, but the real test would be in the forthcoming months. DPW Jahn added PD Gellings had done a great job of clarifying what was to be included in the mitigation plans, and submittal quality had significantly improved as a result. Homeowners were devising innovative plans to lessen the impact upon the community. PD Gellings added applicants asked to review other mitigation plans for ideas.

PD Gellings continued due to inclement weather, the January PC meeting had been cancelled. However, the PC reviewed three cases this month, and planned to hold a public hearing in March and form a recommendation on elementary school zoning. They also planned to review side yard setbacks during that same meeting. PD Gellings relayed Medina Elementary students would be temporarily housed at Bellwood School during construction. He also conveyed his knowledge of the boarding house issue for the three months he had been on staff, and his efforts to collect facts regarding that situation.

Council member Phelps distributed a paper containing four shots of two different reader signs as examples for signage at Medina Elementary School, adding she had LED picture samples as well. DPW Jahn provided PD Gellings with a picture of the signage at Redmond Middle School, noting it was fairly small and was not invasive.

Public Works—DPW Jahn elaborated on the January Public Works report in Council packets, noting the Public Works crew had been repairing, straightening and installing signs throughout the city. He conveyed this was a never-ending task with signs being hit or vandalized. In conjunction with the PD, he also periodically identified signs to improve safety. DPW Jahn voiced concern about sign proliferation in Medina, and requested guidance from the Council. Council member Blazey thought the DPW and Medina's new Police Chief should use their best judgment

regarding signs, so the Council would not become involved in micromanaging which signs should be installed. Following discussion, City Manager Schulze commented it had been the policy since he had become City Manager that the Council preferred to have only the minimum necessary signage, which met with Council approval.

DPW Jahn also relayed the overall cost of bridgework repair for the two Overlake Drive East bridges was \$51,432.

Council member Adam complimented DPW Jahn for joint effort with the City of Clyde Hill in preparation for the 2004 NE 12th Street and Lake Washington Boulevard pavement rehabilitation project. He also inquired whether the PW shop back lot storage area had been included in the 2004 budget. DPW Jahn responded negatively, adding it had been an unplanned cost as a requirement for permit renewal with PSE. He had taken the cost out of the parks miscellaneous fund. DPW Jahn emphasized the area had not been expanded, and the ecology blocks and fencing were required by PSE for permit renewal. He added the remaining fence fabric had just been received.

DPW Jahn commented he wanted to replace the old maple tree on NE 7th Street with a substantial oak tree that had a full root bulb. He also provided an update on the Indian Trail, noting sod would be cut, with gravel overlay and wood chips on top to make a meandering pathway. DPW Jahn commented drilling a hole in the bottom of the 12 bollards had presented a challenge, and the city would have it done by someone who had the proper equipment. However, he hoped to have the bollards mounted within the next three months.

Park Board—Chair Gerlitz emphasized the PB needed members.

Finance Committee—Council member Rudolph reported looking back on 2003, the city ended up \$600,000 better than had been projected in the budget. He reported the deficit for 2004 was projected to be approximately \$350,000. City Manager Schulze distributed a new summary sheet with updated 2003 year-end actual figures, rather than projected.

Personnel Committee—Council member Blazey indicated a Personnel Committee meeting was scheduled for Tuesday, February 10, 2004 at 5:30 p.m. at Council member Adam's house. The purpose of the meeting was to bring new Personnel Committee member Phelps up to speed.

Emergency Preparedness—Council member Blazey announced an Emergency Preparedness Committee meeting was held after the last Council meeting. The committee decided to move ahead with the Strengthening Preparedness Among Neighbors (SPAN) program, even if a leader was not available in every area of the city. The committee had also broken into subcommittees to determine whether they could improve each area. He stated Emergency Preparedness Coordinator Kris Finnigan had a chart depicting subdivision breakdowns. City Manager Schulze added about 98 percent of the city did not presently have neighborhood captains, but he was hopeful as neighborhoods organized, they would share their experience with the remaining ones. Mayor Odermat stated it was important for residents to realize they had to be part of the plan, and suggested a banner be displayed at the city entrance advising Medina needed response from residents. She suggested a barometer or percentage gauge be utilized for this purpose. Council member Blazey recommended an insertion in the quarterly Medina Newsletter. Deputy Mayor Nunn thought utilizing the E-Lert might be helpful, and City Manager Schulze indicated the city had used that avenue in the past.

City Manager's Report—Council member Vall-Spinosa inquired about early retirement of the park debt. City Attorney Wines responded prepayment was not allowed under the terms of the promissory note. However, he thought the court would allow prepayment if the city paid a one percent penalty. City manager Schulze added prepayment of the remaining loan balance would result in a net savings of less than \$30,000, since the payments had reached the final two years of the ten-year loan, and taking into account the investment interest earnings and the one percent prepayment penalty. Council member Vall-Spinosa requested a letter be sent to the Dustins discussing the possibility of prepayment, which met with Council concurrence. If the Dustins responded negatively, the city would not pursue the issue further.

Civil Service Commission Report—Civil Service Examiner Carol Wedlund gave a report of civil service activities during 2002-2003, noting that she and the CSC had been busy behind the scenes ensuring Medina had the best-qualified police officers. Chief Chen added a lateral applicant from New York was in the works who had expressed tremendous interest in joining MPD. However, if the candidate remained with NYPD another three months, he could rejoin them, if he needed to do so. This lateral applicant would not be required to attend the CJTC Academy, and the hiring process would take three months anyway, whether it was a lateral or an entry-level candidate.

PUBLIC HEARING

Ordinance No. 768, Zoning Code Housekeeping—Per Council direction from the January 12, 2004 meeting, PD Gellings explained spas, hot tubs and pools would be noticed in a separate public hearing and covered under a separate ordinance. Further, references to Planning Manager had been changed to reference the City Manager or designee, in order to avoid the need to amend ordinances if the title of the office for the planner was changed. Also, in 17.76, “arterial” had been changed to “collector” to reflect the recent redesignation of city streets. Council member Adam moved, seconded by Deputy Mayor Nunn, to approve Ordinance No. 768, Zoning Code Housekeeping. The ordinance was adopted, with Council member Vall-Spinosa abstaining.

OTHER BUSINESS

2004 ARCH Budget and Work Plan—Program Manager for ARCH, **Art Sullivan, 18414 NE 26th Way, Redmond 98052**, presented an overview of the annual work program and budget for ARCH. He explained the proposed 2004 budget used the same format as in previous years, noting there was a four percent increase from 2003. Mr. Sullivan pointed out the vast majority of expenses went for staffing. The intent was down payment deferred loan assistance for moderate-income first-time homebuyers in east King County until the home was sold. A Council member suggested using the lower end of moderate income for eligibility. Mr. Sullivan continued ARCH was not requesting funds from Medina for other projects in the fall round. He clarified Medina funded the Trust Fund separately to directly assist affordable housing. As part of ARCH's services, Mr. Sullivan also offered to provide insight with Medina's efforts related to accessory dwelling units. Council member Rudolph moved, seconded by Deputy Mayor Nunn, to approve the ARCH 2004 Budget/Work Plan as recommended, and the motion carried unanimously. Council member Rudolph moved, seconded by Deputy Mayor Nunn, to approve the ARCH Housing Trust Fund Recommendation, which was unanimously approved.

Building Code Update—It was noted this agenda item was for discussion only. In order to comply with recent state legislation, an amendment was proposed to MMC Chapter 15.04. Building Official Rohrbach gave background information why such action was necessary, noting building codes were revised every three years as a housekeeping measure for codes that had been adopted by the state. He also noted in 2000, the four code-writing organizations in the U.S. jointly published a new single version of the building code entitled the International Building Code (IBC). The change applied to several companion codes as well, the International Mechanical Code, the International Plumbing Code, and the International Fire Code. There was also a simplified version of the building code, titled the International Residential Code (IRC), which was intended for moderate to simple residences. He recommended adopting both, and proposed for most homes built in Medina, architects and builders should use the IBC, and for smaller, less complex homes, they could have the option of using the IRC. Ten percent of Washington cities had already taken such action. Further, new fee schedules would be added for permits issued under the codes contained in this proposed ordinance, and portions of the referenced codes would be amended accordingly.

As an architect as well as a Medina resident, **Mark Nelson, 1233 Evergreen Point Road**, inquired when the proposed amendments would take effect. Building Official Rohrbach wanted to ensure the ordinance was in place by July 1, 2004. He planned to meet with architects and builders who had built in Medina within the last two years. Suggestions gleaned from them could be incorporated into the final version for presentation to the Council in a public hearing. He requested notice be given either through the Medina Newsletter or some other means, so everyone would be aware of this proposed action. The Council directed that local builders and architects be contacted for input on the proposed I-Code ordinance.

84th Avenue NE Tree Replacement—DPW Jahn provided an update regarding the 84th Avenue NE tree replacement project, noting there were no funding provisions in the current budget for this project. City Manager Schulze offered some funding options for Council consideration. He also stated the city must first deal with the safety issue presented by these hazardous Poplars. City Manager Schulze suggested a need for community input into this process, and citizen involvement regarding how residents would like the community to look. Council member Vall-Spinosa suggested removing and then replacing every fourth or fifth tree over a five-year period. DPW Jahn pointed out trying to do it piecemeal raised a number of issues, and removing the trees all at once would be less expensive. Further, both Overlake and church personnel wanted all of the Poplars removed, as 85 percent of them were hazardous. He commented Overlake would plant additional greenery inside the fence to handle the golf ball issue. Council member Blazey suggested at a minimum the city could trim the Poplars. City Manager Schulze relayed the Comprehensive Plan singled out this area as something that should be preserved to maintain the desired appearance. Therefore, Overlake would not be required to maintain Poplars in the right-of-way. Also, the Code prohibited a chain link fence along a collector street, so Overlake would be requesting a variance. He noted variances often came with conditions, and the city might want to review the level of Overlake's participation on the

east side of the fence. Following further discussion, staff was directed to prepare a clear interpretation of the MMC for the 84th Avenue NE tree removal project, including legal responsibilities as well as liability exposure for the city regarding safety concerns, for presentation at the March 8, 2004 meeting. City Manager Schulze pointed out when this issue first came up, it was determined at that point the church could remove the hazardous trees at any time without a permit. The Council also directed staff to send a clarification letter to St. Thomas Church regarding hazardous tree removal.

Mark Nelson, 1233 Evergreen Point Road, voiced agreement with the Council's analysis and directive to staff. He also questioned how Overlake would declare a variance hardship to obtain a berm and chain link fence.

Parking Regulations Policy—Council member Blazey referred to his February 4, 2004 parking regulations policy statement in the Council packet, noting the broad recommendation was for a more user-friendly approach to parking in the city. He recommended the following to update's Medina's parking regulations policy:

1. The city should have a reasonable, citizen-friendly approach to parking, and should try to accommodate residents and their guests by facilitating parking.
2. Parking should be tightly controlled in Medina's core downtown area (from the beach and City Hall to the Post Office, including the Green Store) to optimize benefits to the residents and foster an enjoyable community area.
3. The parking regulations policy should place Medina citizens' parking needs before those of city staff in most instances.
4. There was no desire for a parking sign in every city block.
5. Moving the public works trailer to the public works maintenance area would create 4-5 parking spaces.
6. Parking police vehicles elsewhere when not in use would allow for extra parking spaces at City Hall.
7. The dumpster adjacent to City Hall could be moved for greater public parking access.
8. Highlight the parking area immediately south of View Point on 84th with a sign.
9. Require staff to park off site from the Permit or Restricted Parking areas on EGPR from Memorial Day through Labor Day. Shuttle van transportation could be utilized from Medina Elementary for this purpose.
10. Review 30-minute parking across from the post office, and consider changing it to 4-hour parking for the beach.
11. To facilitate off-road parking for guests (with two wheels off the concrete), post 4-hour parking signs in appropriate rights-of-way
12. Discontinue prohibited parking on the south end of Upland Road before it intersects with Overlake Drive West. (Those three signs had been installed to prevent construction parking at the Simonyi residence.)
13. Standardize signs in a comprehensive manner.

City Manager Schulze relayed 17 spaces were necessary. The majority of employees came and went several times a day, so it was a real efficiency issue. The permit parking signs had been installed adjacent to City hall because construction vehicles were left there before staff arrived at work and remained there all day. Construction workers parked anywhere they could find a spot off the construction site and rode their bikes to the site. The construction workers parked far enough away so they were not associated with the construction site. Two Council members stated when employees returned from lunch, there was no place to park. Council member Blazey relayed when the Blue Angels were visiting Seattle last summer, police officers ticketed people who were illegally parked. A neighbor had been very upset, because she could not park in front of her home, and thought she must obtain a parking permit that would cost \$500. City Manager Schulze clarified that person had wanted a private parking spot for her use only. It was suggested police vehicles could park elsewhere when not in use, to create more parking spaces at City Hall. Chief Chen noted the potential for vandalism was an issue for PD vehicles parked away from City Hall. Mayor Odermat commented during the mornings and at the end of the day, Medina's post office was a busy place. She added the DPW should be close to City Hall. City Manager Schulze referred to the Citizen Action Request Log in the City Manager's Report, pointing out the complaint regarding a construction vehicle parked in the right-of-way that was obstructing intersection visibility. He commented as the Council saw more complaint logs, they would realize the number of complaints for parking in the right-of-way, and that was why the PD had been more stringent in enforcing parking. The Code stated all construction-related vehicles were prohibited from parking in the right-of-way or on the street, except where specifically designated. Following a straw poll taken of Council members, staff was directed to identify creative solutions for Medina's parking regulations, including whether no parking signs at 84th Avenue NE and Upland Road could be removed, as well as a comprehensive approach for parking regulations.

A recess was taken at 10:30 p.m., and the meeting reconvened at 10:35 p.m.

2003 Year End Financial Report--By consensus, the Council approved the 2003 year End Financial Report. Council member Vall-Spinosa added the report raised questions that could be discussed at the Council Retreat.

NE 12th Street/Lake Washington Boulevard Project Update--Council member Blazey commented people coming off the NE 12th curve were treating the stop sign as a yield sign, and wondered if better signage could be used there. DPW Jahn replied the sign was on Clyde Hill's side, and it was that city's responsibility. Therefore, Clyde Hill would have to agree with any suggestion made by Medina. DPW Jahn added he was trying to make Medina's crosswalks more definitive with stamped concrete, and the one at that location was no exception.

2004 Legislative Action Plan--City Manager Schulze explained Medina could be supportive of sales tax streamlining by monitoring bills as they proceeded through the Legislature. The AWC sent an alert whenever a bill faced a vote, so it was a matter of remaining attentive to pending issues. Medina was a very small player in terms of population and the amount of money it would receive. Further, AWC cities were divided on this issue because there were some winners and some losers. He added each of Medina's legislators had attended one Points Mayors meeting in the last quarter of 2003, and understood the key issues facing the four communities. Deputy Mayor Nunn moved, seconded by Council member Adam, to approve the 2004 Legislative Action Plan, and the motion carried unanimously.

First Quarter Agenda Calendar--2004 first quarter Council agenda calendar changes were made.

Council Retreat--City Manager Schulze announced he was awaiting a reply from the consultants for the Council retreat. Council member Vall-Spinosa suggested the Battelle Institute might be a useful site for this purpose.

NEW BUSINESS

ARCH Assistance--Council member Rudolph stated ARCH Program Manager Art Sullivan might be a resource regarding the boarding house issue. Deputy Mayor Nunn thought Medina's definition of a single-family residence was not clear enough. PD Gellings stated the problem was neighborhood alarm over a high turnover rate and multiple tenants sharing a kitchen and bathrooms. It was not like a separate accessory dwelling. He volunteered to contact Mr. Sullivan and to furnish the Council with a report.

Medina Grocery--Mayor Odermat stated Jim Lawrence had called to broker a meeting with some Council members. A trial date was set for June 14, 2004, but the petitioners had requested a summary judgment for February 25, 2004. City Attorney Wines explained the summary judgment request was limited in scope to whether the new framework set up by Medina for granting a Historical Use Permit was in conflict with the regulatory format that discussed a single public hearing. Mayor Odermat continued the petitioners wished to discuss mitigation measures, and suggested she and Deputy Mayor Nunn meet with them before the February 25 summary judgment date and convey the information back to the entire Council. Deputy Mayor Nunn added the petitioners wanted to settle the case. He and Mayor Odermat would listen.

OTHER BUSINESS

2004 Legislative Action Plan--Henry Paulman, 1415 – 80th Avenue NE, requested the word LIDs to be included for the SR-520/Evergreen Point Bridge on page two of the City Manager's 2004 Legislative Action Plan. Mayor Odermat replied the Council had already passed the 2004 Legislative Action Plan, and she wished he had spoken sooner.

EXECUTIVE SESSION

It was noted the Council had met in Executive Session at 6:00 p.m. tonight to discuss personnel matters, per RCW 42.30.110(g) and land acquisition, per RCW 42.30.110(c). The Council recessed into Executive Session at 11:03 p.m. to discuss personnel matters, per RCW 42.30.110(g). The meeting reconvened at 11:30 p.m.

OTHER BUSINESS

Management Employment Contracts--Council member Vall-Spinosa moved, seconded by Council member Blazey, to authorize employment agreements for DPW Jahn and for PD Gellings, which was approved.

ADJOURNMENT

Council member Blazey moved, seconded by Blazey, to adjourn the meeting at 11:32 p.m., and the motion carried unanimously.

Mayor Mary Odermat

Attest:

Caroll P. Wedlund, Recording Secretary